

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

| | | |
|--|---|---|
| | | Date of mailing (day/month/year) see from PCT/ISA/210 (page 2) |
| Applicant's or agent's file reference see form PCT/ISA/220 | | FOR FURTHER ACTION See paragraph 2 below |
| International application No. PCT/EP2004/052124 | International filing date (day/month/year) 9/10/2004 | Priority date (day/month/year) 10/24/2003 |
| International Patent Classification (IPC) or both national classification and IPC B62D1/28, B62D15/02 | | |
| Applicant ROBERT BOSCH GMBH | | |

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

| | |
|---|---------------------------------------|
| Name and mailing address of the ISA/ Eurjopen Patent Office Rijswijk | Authorized officer Van der Veen, F |
| Facsimile No. | Telephone No. |

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material
 in written format
 in computer readable form
 - c. time of filing/furnishing
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

Box No. II Priority

1. The following document has not yet been furnished:

copy of the earlier application whose priority has been claimed (Rules 43bis.1 and 66.7(a)).
 translation of the earlier application whose priority has been claimed (Rules 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Statement

| | | | |
|-------------------------------|------------------|------|-----------|
| Novelty (N) | Claims Claims | 1-11 | YES NO |
| Inventive step (IS) | Claims Claims | 1-11 | YES NO |
| Industrial applicability (IA) | Claims Claims | 1-11 | YES NO |

2. Citations and explanations:

see supplementary page

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see supplementary page

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IAP20 Rec'd PCT/MTO 28 MAR 2006

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY
(SUPPLEMENTARY SHEET)

International File No. PCT/EP2004/052124

v.

1. Reference is made to the following documents in the present opinion:

D1: EP-A-1 285 842 (NISSAN MOTOR)
February 26, 2003 (2003-02-26)

D2: WO 03/058169 A (AYLWARD ROGER; PEMBERTON MARTIN
(GB)) July 17, 2003 (2003-07-17)

D3: EP-A-1 193 160 (NISSAN MOTOR) April 3, 2002 (2002-
04-03)

D4: WO 03/033330 A (FROG NAVIGATION SYSTEMS B V; PETERI
PAUL HENRI FRANS (NL); SIEBERT RA) April 24, 2003
(2003-04-24)

2. INDEPENDENT CLAIM 1

- 2.1 The present application does not fulfill the requirements of Article 33(1) PCT, because the object of Claim 1 is not novel as defined by Article 33(2) PCT.

Document D1 (see Document D1, Abstract of the Disclosure, Figures 1 and 3) discloses (the references in parentheses relate to this document):

(according to Claim 1)

a method for driver assistance (Abstract, Figure 1)

- on the basis of lane information (42, 46),

- driver information (16)

- and/or an action (56) being triggered

- as a function of the driver information (42, 46), furthermore
- the lane information being derived from at least two
 - items of information which characterize the lane (Figure 3, 74, 76, 78L, 78R, 80).

In addition, all of the technical features of Claim 1 have also been disclosed by documents D2, D3, and D4.

3 INDEPENDENT CLAIM 10

3.1 The present application does not fulfill the requirements of Article 33(1) PCT, because the object of Claim 10 is not novel as defined by Article 33(2) PCT.

Document D1 (see document D1, Abstract of the Disclosure, Figures 1 and 3) discloses (the references in parentheses relate to this document):

(According to Claim 10)

a driver assistance device (Abstract of the Disclosure, Figure 1)

- on the basis of lane information (42, 46),
- having an analyzer unit (Figure 3, 82), which ascertains
 - lane information on the basis of an ascertained image (from camera 76)

furthermore

- the analyzer unit deriving the lane information from at least two
 - items of information which characterize the lane (Figure 3, 74, 76, 78L, 78R, 80).

In addition, all of the technical features of Claim 10 have also been disclosed by documents D2, D3, and D4.

4 INDEPENDENT CLAIM 11

4.1 The present application does not fulfill the requirements of Article 33(1) PCT, because the object of Claim 11 is not novel as defined by Article 33(2) PCT.

Document D1 (see document D1, Abstract of the Disclosure, Figures 1, 38, paragraph [0158]) discloses (the references in parentheses relate to this document):

(According to Claim 11)

a driver assistance device (Abstract, Figure 38)

- on the basis of lane information (74, 76),
- having an analyzer unit (82E), which ascertains
 - lane information on the basis of an ascertained image (from camera 76)

furthermore

- the analyzer unit ascertaining a quality index for the lane information (paragraph [0158]).

In addition, all of the technical features of Claim 11 have also been disclosed by document D4.

5 DEPENDENT CLAIMS 2 through 98

Claims 2 through 9 contain no features which, in combination with the features of any claim to which they refer, fulfill the requirements of the PCT in regard to novelty and/or inventive step

- Claims 2 through 5 are known from documents D1, D2, or D3
- Claims 6 through 9 are known from documents D1 or D4.

VIII.

6 The application does not fulfill the requirements of Article 6 PCT, because Claims 1, 4, 5, and 8 are unclear.

6.1 The application for protection of the claims is not clearly defined because of the use of the terms:

- "and/or" (Claims 1, 4, 8)
- "or" (Claim 5)

The further use of these terms in dependent claims may even result in counterlitigation.

6.2 Claim 8 contains references to the description and/or the drawing ("variance"). According to Rule 6.2 (b) PCT, claims may only contain reference numerals if this is absolutely necessary for explaining the claims, which is not the case here.

Expressions such as "(variance)" are not reference numerals as defined by Rule 6.2 (b) PCT, but rather special features. As a result, it is unclear whether the features added to the reference numbers restrict the scope of the claim (see also PCT guidelines Chapter 5, 5.11).